

DM-10/2
ATTORNEY DOCKET NO: RCZ-00/C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
ERICH SCHOLZ ET AL.
Serial No: 09/701,329

Filed: MAY 15, 2003

Confirmation No: 7896

Title: MIXING FIBROUS CONSTITUENTS

) Group Art Unit: 2841

) Examiner: R. GIBSON

) Our Account No: 04-1403

) Customer No: 22827

Commissioner for Patents
U.S. Patent and Trademark Office
Post Office Box 1450
Alexandria, VA 22313-1450

Sir:

The following is an Information Disclosure Statement for the captioned patent application, pursuant to 37 CFR Sections 1.56, 1.97, and 1.98.

1.[x] Attached hereto is:

a.[x] A list of materials for consideration per Rule 98(a)(1): 1 page(s)

b.[X] A legible copy of each patent, publication, or other item listed per Rule 98(1)(2), unless not required per Rule 98 and/or as indicated on the attached list(s):
3 item(s)

c.[X] For each non-English language item listed, pursuant to Rule 98(a)(3), a concise explanation of the relevance thereof as it is presently understood by the individual designated in Rule 56(c) most knowledgeable about the content of such items:

PLEASE SEE ATTACHED

[X] Such explanation is provided in the Search Report from a corresponding application enclosed herewith along with any enclosed translation into English.

2.[X] This Information Disclosure Statement is being filed [CHECK ONE]:

a.[X] WITHIN THREE MONTHS of the application filing date, national stage date of entry, or along with or after a request for continued examination, OR BEFORE the mailing date of a first Office Action on the merits, which ever event occurs last, WHEREFORE per Rule 97(b) NO filing fee or Rule 97(c) certificate is required.

b.[] AFTER the time periods of section 2.a above, but BEFORE a Final Action, Notice of Allowance OR an action that otherwise closes prosecution, WHEREFORE PER Rule 97(c) submitted herewith is [CHECK ONE]:

i.[] Certification per Rule 97(e); OR

ii.[] Filing Fee per Rule 17(p)\$180.00

c.[] AFTER a Final Action OR Notice of Allowance, but BEFORE payment of the issue fee, WHEREFORE per Rule 97(d) submitted herewith is:

i. Certification per Rule 97(e); AND

ii. Filing fee per Rule 17(p)\$180.00

3.[] Rule 97(e) Certification; per Rule 97(e), the undersigned certifying party make the following certification statement [CHECK ONE]:

a.[] That each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement; OR

b.[] That no item of information contained in this Information Disclosure Statement was cited in a foreign patent office in a counterpart foreign application and to the knowledge of the undersigned after making a reasonable inquiry, was known to any individual designated in Rule 56(c) more than three months prior to the filing of this statement.

CERTIFYING PARTY (if different from bottom signature; omission here indicates that certification is being made by signer per signature below):

Name: _____

Signature: _____

Address: _____

Date: _____

- 4.[x] DEPOSIT ACCOUNT AUTHORIZATION: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any fees in addition to the fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (deficiency only) now or hereafter relative to this application and the resulting official document under Rule 20, or credit any overpayment, to our Account No. shown in the heading hereof for which purpose a duplicate copy of this sheet is attached. This statement does not authorize charge of the issue fee in this case.

- 5.[x] CERTIFICATE OF MAILING: This Information Disclosure Statement is being filed pursuant to [CHECK AND COMPLETE ONE]:

- a.[X] First Class Mail Certificate of Mailing under Rule 8:

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- b.[] "Express Mail" Certificate under Rule 10:

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ADDRESS:
Post Office Box 1449
Greenville, SC 29602 USA
Customer ID No.: 22827
Telephone: 864-271-1592
Facsimile: 864-233-7342

DORITY & MANNING, ATTORNEYS AT LAW, P.A.

By: STEPHEN E. BONDURA

Reg. No: 35,070

Signature: H. E. B.

Date: 3/8/05

DM-10/2003
Sheet 1 of 1

(Rev. 5/92) Information Disclosure Statement List By Applicant(s) Under 37 CFR Section 1.98(a) (1) (Use several sheets if necessary)	Attorney Docket Number: RCZ-00/098	Serial Number: 09/701,329
	Applicant: ERICH SCHOLZ ET AL.	
	Filing Date: 5/15/03 Confirmation No: 7896	Group Art Unit: 2841

NOTE:

If no indication is made in the column marked "COPY NOTE," the required legible copy of the corresponding item is submitted herewith; otherwise, a copy is not required and/or not submitted, for the following reason(s) [corresponding reason number is listed in "COPY NOTE" column]

- (1) This item is cumulative, per Rule 98(c)
- (2) A copy of this item was previously cited by or submitted to the U.S. Patent and Trademark Office in:
 USSN _____, filed _____, or
 USSN _____, filed _____;
 Relied on under 35 U.S.C. Section 120, per Rule 98(d)
- (3) Both reasons (1) and (2) apply
- (4) No legible complete copy is possessed, in custody of controlled, or readily available
- (5) Per the U.S. Patent and Trademark Office's waiver of Rule 98(a)(2)(i), the item is a U.S. patent or patent application publication, and the present application was filed after June 30, 2003.

U.S. PATENT DOCUMENTS										
EXAMINER INITIALS	PATENTEE NAME				PATENT NUMBER				ISSUE DATE	COPY NOTE

FOREIGN PATENT DOCUMENTS													
EXAMINER INITIALS	COUNTRY	DOCUMENT NUMBER							PUBLICATION DATE	TRANSLATION			COPY NOTE
		YES	NO	N/A									
	GERMANY	2	8	7	5	7	3	AS	2/28/91		X		
	GERMANY	1	5	1	0	2	4	7	12/30/71		X		

*"NO" means that no copy of an English language translation is within the possession, custody, or control of, or is readily available to any individual designated in Rule 56(c).

EXAMINER INITIALS	OTHER DOCUMENTS		COPY NOTE
	Specify author (if any), Title, Pertinent Pages, Date & Place of Publication		
	GERMAN PATENT OFFICE SEARCH REPORT	6/29/99	
EXAMINER	DATE CONSIDERED		
Examiner:	initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include a copy of this form with the next communication to applicant.		

ATTORNEY DOCKET NO.: RCZ-00/098**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application)	Examiner: R. GIBSON
ERICH SCHOLZ ET AL.)	
Serial No.: 09/701,329)	Art Unit: 2841
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Filed: MAY 15, 2003)	Confirmation No.: 7896
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Title: MIXING FIBROUS CONSTITUENTS)	Deposit Account: 04-1403
)	
)	Customer No.: 22827

COMMUNICATION

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The present information Disclosure Statement is submitted in accordance with Applicants' Duty of Disclosure within three months of the RCE filing date. Please note that a Request for Continued Examination (RCE) was filed in the present application on December 9, 2004, in order to file an Information Disclosure Statement within three months. Applicants expressly requested suspension of action on the present application for a period of 3 months and paid the required fee of \$130.00. A copy of the RCE request form is attached for your reference. However, a Notice of Allowance dated February 15, 2005, was issued by the Examiner prior to the end of the three-month period.

Applicants are providing a search report issued by the German Patent Office on the corresponding German priority document, as well as copies of the references cited therein. Please note that all references but the DD '573 reference are already of record.

Also, please note that DE 1510247 was cited in an Opposition Proceeding against the corresponding EP application. An English language counterpart to this reference is not available.


Applicants respectfully request the Examiner to consider the enclosed Information Disclosure Statement as being timely filed and to issue a Supplemental Notice of Allowability indicating such.

The Examiner is encouraged to contact the undersigned should any additional information be required.

Respectfully submitted,

DORITY & MANNING, P.A.

By:


Stephen E. Bondura
Registration No.: 35,070

P.O. Box 1449
Greenville, SC 29602-1449
(864) 271-1592
fax (864) 233-7342